

**DRAFT MEETING NOTES  
IRRIGATED LANDS CONDITIONAL WAIVER PROGRAM  
STAKEHOLDER MEETING  
23 JANUARY 2007**

**PLEASE NOTE – A SUMMARY OF BOTH 9 JANUARY AND 23 JANUARY MEETINGS IS INCLUDED AND DISTINGUISHED AS FOLLOWS:**

- 23 January Stakeholder Meeting notes are provided in black text
- 9 January 2007 Stakeholder Meeting notes are provided in gray text

**Summary of Questions, Comments, and Suggestions**

**(1) Raw data submittals**

- On 23 January no further questions or comments were received on this topic.
- Regional Board staff (staff) indicated that audits to laboratories could be a complement to this requirement.
- One participant stated that the additional cost of reporting chromatogram data can be as much as \$10,000 dollars per monitoring report, and the need for this requirement is unclear.
- A suggestion was made to turn them in only as needed, but that laboratories or coalitions retain all data in case it is needed later.
- One participant suggested that the raw data could be submitted in electronic format, rather than requiring the large amount of paperwork that would be otherwise necessary to provide chromatograms, etc.
- Suggestion made to turn in raw data on 20% of the samples for spot-checking. Staff could request additional data if needed. Laboratory certification calls for all records to be kept for 5 years.
- Regional Board staff explained that the purpose for this requirement is to allow for data validation, should the information come under scrutiny. However, Staff understands the problem with reporting so much information, and is in the process of reviewing this requirement and evaluating what information will be required.

**(2) Electronic data submittals**

- On 23 January no further questions or comments were received on this topic.
- Staff explained that there are two options to submit the data electronically:
  - (1) Electronic submittal data package in a spreadsheet format.
  - (2) Electronic submittal data package in an ILP database format.
- One participant discussed that electronic data submittals do simplify things when it comes time to submit semiannual reports, and that most of the results from the laboratories have already been received in an electronic format.
- Question asked about whether there is a difference in meaning between the words “comparable” and “compatible. Another participant clarified that the term “comparable” is preferred and this means that the QA/QC data should be equal or better than that required by SWAMP QAPP. Excel files should include all QA/QC data. A format that allows for the transfer of all data to the SWAMP database is needed.

- Staff clarified that the need for SWAMP comparability in terms of electronic data submittal was not the same thing as saying that the SWAMP database and the ILP database are identical. There are some differences in SWAMP database reporting from the ILP database reporting. But they are 'comparable' in the sense that the ILP data can be easily uploaded into the SWAMP database.

### **(3) Options to aerial photograph requirements**

- In response to the 9 January meeting notes, one participant was concerned about the time and cost that it would take for the coalitions to provide detailed site maps with the MRP. A suggestion was made that staff could request detailed site maps later, as needed.
- A participant asked what purpose the aerial photographs would fulfill.
- Staff responded that many details can be seen on aerial photos that cannot be seen on diagrammatic maps (e.g., drainage patterns, geologic patterns, crops, land use patterns, urban influence).
- It was suggested during the meeting that it will be helpful for staff to clarify in the tentative MRP if the requirements for aerial photographs are for the entire coalition area, specific areas of interest, or just the monitoring sites (**ACTION ITEM**).
- Staff indicated that aerial coverage of entire coalition areas may not be necessary, but Staff will need to consider this further before deciding.
- A request was made for staff to provide some indication of direction and/or resolution (where possible) on the stakeholder issues during the next meeting.
- One participant expressed the thought that that Google Earth can provide much information and that aerial photographs may not be necessary, or that perhaps black and white would suffice instead of color.
- Another participant suggested that aerial photographs are not nearly as helpful as detailed site maps, and that the photograph requirement perhaps does not add to the useful construct of an MRP.
- Staff clarified that aerial photographs, in lieu of maps can provide a visual interpretation of existing drainages, crops and land-use patterns to the Coalitions and to Staff.

### **(4) Monitoring schedule**

- A participant asked whether the new MRP would have a significant increase in the required number of monitoring sites or the monitoring frequency.
- Another participant had the opinion that the current MRP establishes the minimum monitoring requirements.
- Staff explained that specific details of each coalition-monitoring schedule would be developed as part of the Long-term Monitoring Strategy. Staff is still developing the minimum monitoring schedule requirements for the MRP, although one of the TIC recommendations was for the availability of a certain amount of flexibility for Coalitions to design their own approach. Within certain guidelines, this is a recommendations that staff considers to be supportable.

- It was indicated at the meeting that an increase in monitoring frequency as a default base line would have a significant fiscal impact for the coalitions and may not be warranted. A suggestion was made to develop an objective-based monitoring schedule and not set minimum numbers.
- Stakeholders expressed the concern about the cost of monitoring, especially when re-sampling after every exceedance is required. This can mean that sampling crews are almost continually in the field, either for routine monitoring, or the follow-up monitoring for exceedances. Sometimes these are known right away, sometimes it takes weeks for a laboratory result, and the follow-up must occur right away in both cases.
- Staff stated that this stakeholder group could help by discussing the criteria that would be behind objective-based monitoring. (STAKEHOLDER ACTION ITEM)
- The use of TIEs for algae toxicity was discussed. The ultimate goal is to find the source of the problem; thus, Rice Coalition is going to propose an alternative to the algae TIE to address algae toxicity. Staff indicated that this approach might be perfectly valid for the Rice Commission, which has very specific information about pesticide use, but would not likely be applicable to other areas.
- Following the above example a question was brought up to staff with regards to algae reduction, which might be a natural phenomenon in certain areas. Thus, at what point does staff decide that monitoring for algae is no longer a requirement? Staff indicated that management plans are designed to address these exceedances and if it is a natural phenomenon the coalition would need to demonstrate that agricultural practices are not contributing to the problem.
- The October 2005 tentative MRP requires coalitions to sample 2 storm events, unless otherwise approved by the EO. Is the Long-Term Monitoring Strategy (LTMS) the vehicle that will allow coalitions to develop a monitoring schedule that is appropriate to their region and logistically reasonable?
- Regional Board staff emphasized that the LTMS is a key component of the MRP, and it is one that the Technical Issues Committee agrees that it provides a good mechanism for establishing Coalition-specific approaches for monitoring, although individual variations from the MRP in timing of sample collection will need to be approved by the Executive Officer.

#### **(5) More clarity in data quality objectives requirements**

- One stakeholder wanted to understand what could be done when the ambient conditions created exceedances, such as toxicity to algae in the Kings River. Staff advised that the development of a management plan for multiple exceedances would address that in the sense that Coalitions would need to (as part of the management plan) provide scientific evidence for the source of the problem. In this case, the source might be the natural geology creating toxicity to algae. However that would need to be validated and documented by the Coalition as part of their approved management plan.
- Staff announced that a discussion of water quality objectives and standards and definitions would be part of the agenda for the February 6 Stakeholders

Meeting at which, John Marshack and Francis McChesney will be participating.

- A participant noted that the application of objectives that have been selected by staff is a regulatory policy issue of concern to stakeholders. The relevance and accuracy of studies that are used as a basis for numeric values is one aspect of this concern. There is also a concern that stakeholders have not been allowed any input to the selection and application of numbers used as criteria in the ILP. One participant felt that the desire by stakeholders to have dialogue with staff related to selection of objectives seems to have been disregarded.
- Staff explained that the language in the 2006 Waiver was changed from 'objectives' to 'standards', but the existing MRP still has the term 'objective'. The CVRWQCB List of Water Quality Goals does not use the word standards, but it is a tool that is used to interpret narrative objectives listed in the Basin Plan. The change in the waiver to the use of the word 'Standard' has generated much of Regional Board's discussion on the issue. The biggest challenge is the application of narrative objectives (i.e. what are the beneficial uses? Is there any aquatic life that needs to be protected? Determination of agricultural beneficial uses). Staff indicated that the policies that enable them to select and apply numeric values for narrative objectives are in place. Ideally, a list of applicable numbers would eventually be identified for each monitoring site. However, the key to resolving this is identifying and discussing the beneficial uses that exist in water bodies. Applicable numeric criteria may be different for different water bodies. This is a time consuming task that needs to happen. A review and discussion of reports and studies used as the basis for objectives will need to occur to determine their applicability.
- Another participant expressed concern that if we wait until the issue of standards and objectives is resolved, adoption of the MRP will be greatly delayed. The suggestion was made that the MRP process should move forward without resolution of all objectives issues.
- Staff clarified that all adopted standards will be included in the tentative MRP, but it will not be delayed to resolve all of the narrative objectives issues. Staff may want to identify a process that describes how this issue will be addressed on a case-by-case basis. (ACTION ITEM)
- Another participant was surprised to learn that Malathion is a prohibited pesticide in the Basin Plan and wondered if there are other prohibitions as well. He does not believe that alfalfa growers are aware of these prohibitions.
- It was explained that there are certain prohibited pesticides in the Basin Plan, and their discharge is not allowed. The only exception to this would be if a grower or coalition receives a Board approval for Management practices for the pesticide use. In that case, the discharge would be allowed up to certain numeric standards identified in the Basin Plan. The rice growers are the only Sacramento Valley growers that currently have Board approved management practices. Currently, prohibited pesticides should not be present in any detectable concentration unless the discharger is under an approved management plan. Any violation of the Basin Plan is considered very serious and fines are possible.

- Another participant noted that she submitted a list of objectives to the staff coalition liaison but never received a response letting her know whether she was on the right track or not. For example, she found 2 different criteria for TDS and did not receive any guidance on the correct one to use. It was indicated at the meeting that there are sometimes reasons for the use of different numbers, and this will be clarified in the near future. Staff explained that ideally water quality limits should be site specific. However, this might take some time to be developed.
- A request was made to include a definition of data quality objectives (DQOs) in the MRP or in an addendum to the MRP. There is some confusion as to what DQOs are. DQOs are not the same as a benchmark for exceedances.
- Regional Board staff explained that the Board would provide a presentation on the definitions of the terms such as Water Quality Objectives, Standards, and Limits during the March Board meeting, and that the topic can be addressed at one of the pending Stakeholder meetings as well. This was proposed for the 6 February Stakeholder meeting.
- One participant stated that the main point regarding selection of water quality objectives is that the numbers selected should be scientifically defensible ones that are based on rigorous, peer-reviewed research papers. According to the participant, some of the papers that are being referenced and used for compliance with Basin Plan toxicity standards are outdated and should not be used.
- Another concern was expressed about the need to differentiate response to exceedances based on groups of analytes. For example, for some field parameters such as pH, EC, and DO coalition groups and growers have no control over it when the source of the exceedance is ground water.
- Members indicated that to have a better understanding of how water quality limits are related to the MRP it would be helpful to have a discussion that includes the following:
  - (a) How and where the water quality objectives fit into the overall Program?
  - (b) What types of requirements are triggered when exceedances occur?
- Regional Board staff will include a discussion of water quality objectives, terms, definitions and uses as part of the agenda for the **6 February** meeting. **(ACTION ITEM)**

## **(6) Management Plan requirements**

- A participant wanted to know whether the topics listed for MP effectiveness would be considered or addressed in developing MP requirements. The topics were as follows:
  - time tables elimination of exceedances
  - time tables to demonstrate improvements on water quality
  - 'Off-ramps' for a management plan once the problem is fixed
  - Mechanisms to approach well-known problems such as salt
  - Mechanisms to allow for flexibility based on constituents, etc.

- Variations to monitoring frequency that would make sense based on the pollutant
- Staff responded that these topics are under consideration through the development of “Fact Sheet for the Management Plan” by the Policy and Outreach Unit.
- Staff also noted that there might be some water quality parameters currently on the list (i.e. pH, DO, Color) for which a different arrangement could be worked out with respect to Coalition response for exceedances. This is under discussion by Staff.
- A concern was expressed that putting specific management plan requirements in the MRP would limit the flexibility needed to develop a practical management plan that is suited to the area and the circumstances.
- It was suggested to use the phrase “or as directed by the EO” to provide for flexibility in management plan development.
- One participant expressed concern about demonstrating the effectiveness of management practices on reducing exceedances. A substantial amount of data is needed both before and after the management practices are implemented to demonstrate effectiveness.
- Staff did respond that in some scenarios demonstrating the effectiveness can be straight forward, particularly if the cause of the exceedance is well known, and the direct result of a particular farm practice. Other scenarios will require more strategizing and investigation. Additionally a good bit of information about management practice effectiveness is already out there and the Water Board has funded projects with many hundreds of thousands of dollars specifically to install management practices and to evaluate effectiveness. This information should be maximized by the dischargers.
- Participants wanted to know if some topics for MP effectiveness would be designated, such as:
  - time tables elimination of exceedances
  - time tables to demonstrate improvements on water quality
  - ‘Off-ramps’ for a management plan once the problem is fixed
  - Mechanisms to approach well-known problems such as salt
  - Mechanisms to allow for flexibility based on constituents, etc.
  - Variations to monitoring frequency that would make sense based on the pollutant
- Regional Board staff is working in developing considerations for continuous exceedances of legacy pollutants. However, still dischargers are responsible for ensuring that agriculture is not contributing even further to these problems (e.g., salt).

## **(7) Streamline reporting process**

- Staff reported that moving due dates for the SAMRs will probably be part of the tentative MRP.
- A participant asked whether staff is considering changing semiannual reporting to an annual report. Staff said they are not. A request was made to strongly reconsider this option. It was suggested since other regulatory

programs require annual reports, the ILP should be consistent with those programs. Exceedance Reports could serve to provide interim information about water quality issues.

- Note that during a smaller group discussion following the main meeting, the idea was broached to have an annual report and quarterly progress reports. Stakeholders will explore this idea in more detail and provide input to staff about the pros and cons of this approach (**POSSIBLE ACTION ITEM**).
- RB Staff noted that the exceedance reporting process would be revised in the tentative MRP to streamline reporting efforts.
- A participant asked whether Staff is addressing exceedance-reporting timeframes for field results. Is staff considering having all exceedances reported in a single report for each sampling event?
- Staff noted that there might be some allowance for some types of exceedances – particularly field measurements – being included in one report, although this would probably not apply to things like toxicity test. The reason for this is because Staff still finds it necessary to provide immediate guidance to some regarding appropriate follow-up on toxic hits. There is too much to be lost if too much time goes by.
- Another participant noted that issues related to re-sampling and the timing of when laboratory results are received have been very confusing and made it hard to track the monitoring efforts. It was suggested that the exceedance reporting process would be better if coalitions could wait until all data have arrived and then be assessed comprehensively. Realistically, any preparation of a management plan strategy would not start until a sampling cycle is completed.
- It was indicated that analytical results are received 3-4 weeks after sampling has occurred, so 'real-time' data is not actually possible. Additionally, different types of data are arriving at various times and sometimes they receive 12-15 different reports for a particular sampling event. It is easy for coalitions to lose track of the main objective with these real time exceedance report submittals. Stakeholders would like to have some consolidation of the reporting process.
- Participants mentioned that with the current process it is not possible to prepare a comprehensive analysis of the data for a sampling event. Preparation of a comprehensive memo could allow integration of all the information (i.e. if there is a toxicity event that could be correlated with field or chemistry data).
- Staff asked stakeholders how much of the reporting process becomes more extensive and complicated by the re-sampling requirements. Members explained to staff that the actual re-sampling is not an issue in the reporting process because laboratories have a process flow chart that they need to follow when re-sampling is necessary. However, the follow-up reporting for exceedances, communication and evaluation reports can be extremely difficult and things do not always get reported because of the confusion.
- Staff asked whether coalition representatives would be able to provide an estimate of how much time and money is spent on exceedance reporting (**ACTION ITEM FOR STAKEHOLDERS?**).

- Staff expressed concern about waiting to report exceedances because timely information is needed so that staff can provide guidance on follow-up actions.
- Staff also recognizes that various issues affect the cost of implementation for the coalitions and will take this into consideration in the development of the MRP. Some examples of issues to be considered include the number of sites, frequency of monitoring, exceedance reporting requirements, re-sampling requirements, aerial photograph requirements,
- Staff explained that the redundancy of exceedance report submittals is being addressed with the review of the reporting process in the MRP.
- A request was made to allow the Coalitions to provide the SAMRs in electronic version only, not as paper copies.
- A request was made to move the due dates for the SAMRs forward by two weeks (i.e., January 15 and July 15 of each year) because of conflicts with the end of year holiday season.
- A request was made to change the reporting frequency to an annual report instead of semi-annual report. It was suggested that sometime in July/August would be the best due date.
- It was proposed by stakeholder members that staff should consider accepting a single exceedance report per monitoring event to simplify and streamline the reporting effort.
- Another participant stated that if a single exceedance report approach is proposed, the coalition groups would need to show in their MRP Plan that they will address exceedances that occur and that follow-up actions are understood and will be followed.
- Regional Board staff stated that language could be inserted in the MRP to allow for flexibility in determining how exceedance report are going to be address. Two options were described during the meeting:
  - (c) A single exceedance report per monitoring event. The coalition needs to describe in the MRP Plan how exceedances are going to be addressed from the time that results are obtained until the time that the single exceedance report per monitoring event is submitted.
  - (d) Continue with single exceedance reports.
- These two options could be inserted in the MRP and the coalitions could decide in their MRP Plan, which is more appropriate to follow.

#### **(8) Provide QAPP consistency – ILP/SWAMP**

- On 23 January no further questions or comments were received on this topic.
- A coalition representative stated that a QAPP revision for a different program grant has already cost them \$10,000 dollars and they do not have the money or time for a consultant to redo the order of the document. She would have to do it on her own time if it is required.
- Regional Board staff explained that grants are not the ILP jurisdiction. However, for the QAPPs that need to be submitted as a requirement of the ILP MRP only, and one that does not include grant funding, staff is considering flexibility in a time frame to reorganize a QAPP to fit the SWAMP structure.



## (9) Other Topics

- **Monitoring Workshop:** A participant requested that stakeholders be given the opportunity to review staff's monitoring data presentation prior to the workshop. During the meeting it was suggested that coalitions be given a substantial time slot (not just the 3 minutes) during the Board Meeting to provide their responses to the data. In addition, stakeholders would like to provide written comments to the Regional Board prior to meeting.
- Staff indicated that the format had originally been set up for panel discussion of the monitoring data (including CVRWQCB, coalitions and environmental stakeholder(s).) However, that idea was not favored and now the workshop will be presented solely by Staff. However, there will be an opportunity for Coalitions, and anyone else, to add in their thoughts and comments on the monitoring data – a summary of which will be made available prior to the Board meeting.
- **LTMS:** A participant asked to present some of the goals and objectives that they are developing for the LTMS and obtain feedback from staff at the next stakeholder meeting. Staff said yes, this is the perfect opportunity to bring these ideas forward for discussion. Staff also indicated that it might be helpful for staff to provide the stakeholder group with the concepts that are being developed for the LTMS (**ACTION ITEM FOR STAKEHOLDER AND STAFF**).
- Question was asked about who will assess the data for the March Monitoring Workshop, given that we have not resolved the issue of what standards and objectives will be used to evaluate the data?
- Staff responded that the Monitoring Workshop would be presented by Staff, although there would be an opportunity for others to make comment or ask questions as well.
- There were concerns expressed regarding the following:
  - The use of standards and objectives for evaluating the monitoring data,
  - The period of time that the presentation will cover,
  - The source(s) of the information will be used,
  - The importance of allowing Coalition Groups to provide input on the presentation before the Board meeting,
  - The ability to show trends in the monitoring workshop,
  - The ability to show how well coalitions have stepped up to the plate to address problems, and the good work that has been done.
- Staff provided the following clarifications;
  - the Workshop would be about the status of the water quality information that has been provided since Coalition Group monitoring began in 2004.
  - There may be an opportunity to provide trend information, but it is not terribly likely given that the information for Phase II monitoring,

for example, is only being generated as of this last irrigation season.

- Individual Coalitions will not be called out in the Workshop, rather the Region has been divided into four zones, and the status of the water quality information and data gaps will be provided.
- The appropriate time to discuss the good work that Coalitions have done will be at the subsequent Board meeting when the MRP Workshop will be held.
- Staff will attempt to provide information to the Coalition Groups prior to the workshop and get their feedback and interpretations regarding the data. Originally this was going to be done at outreach meetings in the different zones, but due to time constraints, it data sharing may need to be done by email.

#### Draft MRP

Staff will be sharing a working draft with the TIC before the TIC meeting on 3 April 2007.

#### NEXT STEPS

The next meeting will be on 6 February 2007, where a summary of the meeting notes will be provided. Staff inquired about any new topics need to be addressed at the next meeting. There were no additions at that time, and Staff offered that if there is a need to discuss other MRP topics, please contact Susan Fregien at [fregien@waterboards.ca.gov](mailto:fregien@waterboards.ca.gov) or Margie Lopez Read at [mlopez-read@waterboards.ca.gov](mailto:mlopez-read@waterboards.ca.gov). The 6 February meeting will include a discussion of water quality objectives, standards, etc.